

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-12 are pending in the present application, Claims 1, 4, 5, and 12 having been amended. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, the specification was objected to; Claim 12 was rejected under 35 U.S.C. §101 as directed toward non-patentable subject matter; Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as anticipated by Mitsuzawa (U.S. Patent Publication No. 2002/0008730); Claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over Mitsuzawa in view of Berge et al. (U.S. Patent No. 5,821,957); Claim 4 was rejected under 35 U.S.C. §103(a) as unpatentable over Mitsuzawa in view of Miyake (U.S. Patent No. 7,058,232); and Claims 5-11 were allowed.

Applicants thank the Examiner for the allowance of Claims 5-11. Claim 5 is amended, but Applicants respectfully submit that Claim 5 is allowable for the same reasons stated in the Examiner's Statement of Reasons for Allowance.

With respect to the objection to the specification, a new Abstract is presented, which is less than 150, and more than 50 words. Applicants respectfully request that the objection to the specification is overcome.

With respect to the rejection of Claim 12 under 35 U.S.C. §101, Claim 12 is amended to recite "A computer readable medium encoded with instructions, which when executed by a computer causes the computer...." Applicants respectfully submit that amended Claim 12 defines a structural and function interrelationship between the computer program and the rest of the computer which permit the computer programs functionality to be realized.¹

¹ See, In re Lowry, 32 F.3d at 1583, 32 USPQ2d at 1034-35.

Applicants respectfully submit that the rejection of Claim 12 under 35 U.S.C. §101 is overcome.

Claims 1 and 4 are amended to include limitation analogous to those of allowed Claim 5. Thus, amended Claims 1 and 4 (and any claims dependent thereon) should be in condition for allowance for at least the same reasons as Claim 5.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for formal allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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